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In re Application of : **OFFICE OF PETITIONS**
Abraham Wien et al :
Application No. 10/661,053 : DECISION DISMISSING PETITION
Filed: September 12, 2003 : UNDER 37 CFR 3.81(b)
Attorney Docket No. W1036/20013 :
:

This is a decision on the petition, filed January 11, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **dismissed**.

Petitioner states that the assignee's name is RVAW, INC and that RVAW, INC was incorrectly spelled on the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to RVAW, INC.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter).

Office records show the \$100 certificate of correction fee was received on October 23, 2006. However, there is no indication that the \$130 petition fee was submitted. The instant request under 37 CFR 3.81(b) cannot be granted until the \$130 petition fee is received.

¹ See Official Gazette of June 22, 2004

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.



Irvin Dingle
Petitions Examiner
Office of Petitions